IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1559 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJ STATE MEDICAL DEPTT

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1559 of 1988

MR VJ DESAI for Petitioner No. 1

GOVERNMENT PLEADER for Respondent No. 1-2

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 14/02/2003

ORAL JUDGEMENT

The present petition is filed against the respondents seeking adjudication from this Court that Entry at Sr. No. 34 of Gujarat Civil Service (Revision of Pay) Rules, 1987 fixing grade of Rs. 1400-2300 is violative of Articles 14, 16 and 39 of the Constitution of India and seeking direction to the respondents to fix pay-scale of Head Clerk and Accountant in the grade of

Rs. 1400-2600 and to pay the difference and arrears of salary from 1.1.1986 till the payment. The petition was admitted by this Court on 7.8.1989. The affidavit-in-reply was filed by Dr. MK Patel, Additional Director, Medical Services, Gandhinagar, wherein it is stated that the Government has considered the case of the petitioner under Gujarat Civil Services (Revision of Pay) Rules, 1987 and pay-scale of all posts in the cadre of Head Clerk had been revised in the pay-scale of Rs. 1400-2600 from 1.1.1986 and all posts have been redesignated as Head Clerk vide Govt. Notification dated 20.3.91. In view of this averment made in the affidavit-in-reply, the grievance of the petitioner does not survive. Hence, this petition is disposed of as having become infructuous. It is, however, open for the petitioner to revive this petition in case of any difficulty. Subject to the above, Rule is discharged with no order as to costs.

rmr. [K.A. Puj, J.]